

**CHARTER TOWNSHIP OF ELMWOOD  
SPECIAL BOARD MEETING  
SEPTEMBER 30, 2021  
IN THE TOWNSHIP HALL**

**Call to Order:**

Supervisor Shaw called the meeting to order at 6:00 p.m.

**Pledge of Allegiance:**

Supervisor Shaw led the Pledge of Allegiance.

**Roll Call:**

**Present:** Jeff Shaw, Connie Preston, Jim O'Rourke, Dave Darga, Chris Mikowski, Terry Lautner, and Deb Allen

**Excused:** None

**Declaration of Conflict of Interest:**

Supervisor Shaw stated that according to Michigan State University, as published in the Leelanau Enterprise 7-28-21 edition, a conflict of interest means a situation when one is making a decision in their government office capacity which is also impacting one's finances, relatives/family (employer/employees, business partner) proximity (as it influences one's property value.), He then stated that he owns an owner- occupied short- term rental in Elmwood Township, a rental in the UP and a timeshare in Mexico and asked if there was a motion to recuse him. Trustee Darga made a motion to recuse Supervisor Shaw but the motion died for lack of support.

**Public Hearings**

**5a. Proposed Short Term Rental Ordinance Amendment 2021-3**

Hearing opened at 6:02 p.m.:

Jacky Kelly 10100 E. Avondale Ln. stated we are a zoned community. Those of us who live here whether we realize it or not voluntarily surrender some of our legal property rights for the common good. None of us can do whatever we want with our property, instead, all of us, including the Board are governed by our Zoning Ordinance which sets out clear provisions and requirements under which we are all bound. The intent of our Ordinance is to protect the collective property of all who live here.

Rod Jones 12684 S. Cedar Lane stated STRs are not supported anywhere in Elmwood Township's 2018 Master Plan. The Michigan Zoning Enabling Act requires that all zoning ordinance amendments be based on a Plan. Please vote NO on the Short Term Rental Zoning Ordinance Amendment! (Letter submitted)

Karyl Moore on behalf of SONIE stated for the public record, in recognition and on behalf of the 265 residents who signed in opposition to STR uses in their residential neighborhoods, she re-introduced for the meeting, public hearing on ZO Amendment 2021-03 & Ordinance 2021-02 SONIE's extensive short term rental binder dated May 2021 in its entirety, which was previously submitted to the township at the May 19, 2021 Zoning Ordinance Amendment Public Hearings concerning Short Term Rental Uses. (Letter submitted)

Karyl Moore read a letter on behalf of Loretta Ludka who does not support the zoning ordinance amendment because it allows commercial vacation home rentals to operate in residential neighborhoods. (Letter submitted)

Chris Creamer 10210 S. West Bay Shore Dr. lived 50 years in the area, was gone for 20 years and came back. When he came back, it had changed a lot and in his opinion, improved a lot. He understands preserving the neighborhoods, but he does not believe STRs are a threat to the community, he thinks they're an integral part of it.

Mark Breederland 9483 Harbor Hills finds the current Elmwood Township Master Plan does not encourage or support non-owner occupied Short Term Rentals in any of the Land Use and Zoning Districts in the Township. The Master Plan does not set out non-owner occupied short term rentals in any of the vision, goals, objectives or policies. (Letter submitted)

Kelsey Testa 10271 S. Center Hwy. she and her husband want to thank the Board for the process they've walked through to establish an ordinance that allows short term rentals in Elmwood Township. They support short term rentals in the Township and love having a home in Leelanau County and being able to host guests allows them the opportunity to be able to do that.

David Colby affirmed his patriotism and supports STRs.

Del Moore said shortly after the first meeting he suggested an overlay district similar to the DDA type overlay but it never seemed to gain traction. Short term rentals do not belong in platted subdivisions. Short term and long term rentals, good or bad, are not the same as a permanent neighbor who is established in the neighborhood.

Sue Jones 12684 S. Cedar Lane said long-term residents are the backbone of the community; 265 of them signed SONIE's petition to keep STRs out of the neighborhoods. We should not give up one single family home to the business of lodging transients, especially in the residential neighborhoods. She also feels changing definitions of STRs and motels at this late date to disguise the commercial nature of short term rentals will surely have unintended consequences. (Letter submitted)

John Richards 8690 S. Lakeview Rd. said his family has had a short term rental business since the 1930's, well before any zoning ordinances. It's something the community needs, it brings in revenue, and a lot of the rentals are reoccurring renters. He's not a fan of licensing and agrees they should not be allowed in neighborhoods.

Aaron Cliff 12956 S. Sunset Dr. has 2 STRs and thanked the Board for their patience and hard work for the community who has continued to have this conversation; it's an exercise in democracy. He hopes going forward no matter what the Board decides, that the community will continue to talk it out and when a problem does arrive, they can talk as neighbors about specific problems. He feels involving the Township has complicated things to the point where they are forgetting they are all neighbors and need to talk together.

Pat Richards appreciates the Boards efforts to govern and try to keep order in the community so people in neighborhoods don't have commercial craziness. Their family has owned property on Lake Leelanau since 1904 and has an established business. He wants the Board to give people the opportunity to be in business and to be responsible in that business.

Bethany Cliff 12956 S. Sunset Dr. is in favor of STRs and said please allow them.

Peter Gropp 10471 E. Grandview Rd. is all for STRs. The owners of STRs all have to remain in the confines of the rules, regulations, and laws.

Ann Marie Wigton 10825 Orchard Way read through the proposed amendment and is looking forward to the conversation and appreciates all the time the Board spent on it. She knows there are a lot of changes that came about and approves of the direction it is going.

Beth Walter 10345 S. Center Hwy. said some of their guests are like an extension to their family and they have repeat families all the time. She does not interpret an STR as a business; she interprets them as an extension of their friends.

Jack Anderson 5073 Lake Leelanau Dr. said he's different as far as being an operator of an STR than a lot of people. They rent their place 5-6 weeks per year so they as residents of Leelanau County can afford a cottage on Lake Leelanau. He questions the licensing of STRs.

Jane Breederland 9483 Harbor Hills Dr. said their family has lived there for 17 years and have enjoyed living in an R1 neighborhood. They enjoy getting to know their neighbors and having a sense of community. It seems arbitrarily to side to allow R1 neighborhoods to make non-owner occupied STRs legal in the neighborhoods.

Written comment opposing short term rentals was received from Joyce Maidens, Sally DeWeese, Mary Henderson, and Michelle Brockie

Public Hearing closed at 6:46 p.m.

## **5b. Proposed Ordinance 2021-2 Short Term Rental Licensing Ordinance**

Public Hearing opened at 6:47 p.m.

Todd Space had 2 concerns with the application process. The Board seemingly dropped the requirement that someone be already operating or recently having operated in the last couple years to apply for a license. He thinks the people who have been doing it successfully should be favored over people who haven't done it at all as of yet. He was also concerned with a potential lottery to pick applicants.

Chris Creamer commends the Board and thinks it's great that a person with a short term rental license must live or have local management within 30 miles of the residence. He felt noise control during certain times should be for everybody, not just certain groups.

Mark Breederland rejects that the Elmwood Township Trustees should adopt a Zoning Ordinance Amendment that allows STRs in all land uses and zoning districts, therefore, there is no need for a licensing ordinance at this time. He urges the Board to reject the Licensing Ordinance as well as the Ordinance Amendment.

David Colby thanked the Board for putting up with the craziness.

Aaron Cliff agreed the people who have been up and running should be able to get a license. Also, he was not clear on the verbiage of going forward for the people currently running an STR and then applying for a license; if they had a grace period during the process.

Nancy Colby agreed people who have been operating and can prove it, should have some preference in getting a license. She also questioned the quiet hours and special events if the property owner were using the property.

Sue Jones said if you want to open up all districts for STRs, including neighborhoods, then it seems only fair that all of those who own property would be eligible to apply for a license with no preference shown for someone who already has one.

John Richards said in regards to licensing, he's not in favor of that at all, he thought maybe register the operation. One common problem with licensing and then limiting the number of licenses is

people who don't need or want them may get one. He suggested if they did license, not to put a number on them.

Jen Belyea said her concerns about licensing are, the transfer of liability, certificate of occupancy, and also about who applies for licenses to make sure people don't apply for one fraudulently.

Del Moore said it's clear people with STRs don't like regulations. He also said STRs should have been stopped in subdivisions a long time ago when they were classified as illegal and still are. Regulations, transfer of license, and certificate of occupancy can all be taken care of through the fire department and different divisions at the Township.

Karyl Moore said the outcry opposing short term rental in family residential neighborhood and subdivisions has been over 4 times the amount of those who may favor it in other areas of the Township. The subdivisions must remain protected and need to go into our zoning laws. (Letter submitted)

Fred Kilbourn 2885 S. Lee Point Ln. said it seems reasonable that transfers within a family or by inheritance should be acceptable and the STR license should remain with the property. He and his wife are retired and are trying to plan so they don't become a liability to the community. (Letter submitted)

Jack Kelly indicated in his comments regarding the Zoning Ordinance there's a big difference between having neighbors versus a short term rental where there could be as many as 10 people under the current Zoning Ordinance and just as many guests. He thinks the Board needs to take a look at the Licensing Ordinance from the standpoint of reducing the number of guests that are allowed. The Short Term Rental Licensing Ordinance at this time is premature because currently they're not allowed.

Pat Richards felt the 30 mile limit maybe could be extended to a driving distance of a certain amount of time because Leelanau County is bigger than 30 miles.

Public Hearing closed at 7:09 p.m.

### **Public Comment**

Karyl Moore, John Richards, Mark Breederland, Del Moore, David Majewski, Chris Creamer, Todd Space, Sue Jones, Jack Kelly

### **Agenda Approval**

MOTION BY TRUSTEE ALLEN, SECONDED BY TRUSTEE O'ROURKE TO APPROVE THE AGENDA AS PRESENTED. The motion passed unanimously by a voice vote.

### **NEW BUSINESS**

#### **CONSIDERATION OF THE ADOPTION OF PROPOSED ORDINANCE AMENDMENT 2021-3**

Planning Consultant Sara Kopriva outlined the process going forward. If adopted, the licensing ordinance would become effective 30 days after publication and the zoning ordinance amendment should be made effective the same day. There can be no processing of licenses until the effective date of the ordinances. From the last meeting, we added the last sentence to the STR definition related to motels that was brought up. Also, add units after single family dwelling. The Board also clarified that it should read that is available and licensed and used for accommodation. There was Board discussion on leaving STRs out of R1. Attorney Wendling responded that we could go back and they would be forbidden. We could enforce now even if we never did before. If we include them now and then go forward with the process of getting them out of R1, any existing would then be grandfathered but subject to the licensing ordinance.

MOTION BY TRUSTEE LAUTNER, SECONDED BY TRUSTEE ALLEN TO APPROVE ORDINANCE AMENDMENT 2021-3 WITH THE CHANGES IN THE 2<sup>ND</sup> LINE OF THE DEFINITION. A roll call vote yielded ayes from O'Rourke, Allen, Lautner, Mikowski, and Shaw and Nays from Darga and Preston. The motion passed 5-2

**CONSIDERATION OF ADOPTION OF PROPOSED ORDINANCE 2021-2**

The Board reviewed the ordinance and made some clarifications. The transfer of property will use the same language as in the real property tax act as to whether or not a property uncaps. We can use that language and it will allow for a transfer to children, siblings, grandchildren or placed in a trust. The definition of STR will be updated to match the definition in the zoning ordinance amendment. The certificate of occupancy requirement will be changed to allow either for a certificate of occupancy or other documentation showing the house is fit for human habitation. The Board changed the language for the issuance of licenses from a lottery to a first come first served basis. Applications will be date and time stamped received and processed and issued a license in the order received. If an application is not complete, the applicant will have 48 hours to make a correction. If corrections are not made, the application will be deemed incomplete and a new application must be submitted. The initial round of licenses issued will expire on Dec. 31, 2022.

MOTION BY TRUSTEE O'ROURKE, SECONDED BY TRUSTEE ALLEN TO ADOPT ORDINANCE 2021-2 WITH THE MODIFICATIONS MADE TONIGHT. A roll call vote yielded ayes from Lautner, Preston, Mikowski, Allen, O'Rourke, and Shaw and Nay from Darga. The motion passed 6-1.

**PUBLIC COMMENT**

John Richards, Jack Kelly, Karyl Moore

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE DARGA TO DIRECT THE PLANNING COMMISSION AS SOON AS POSSIBLE TO REMOVE STRS FROM SUBDIVISIONS IN GREILICKVILLE NEIGHBORHOODS USING AN OVERLAY DISTRICT OR AMENDMENT TO THE ZONING DISTRICTS. A roll call vote yielded ayes from Lautner, Allen, O'Rourke, Darga, and Preston and nays from Shaw and Mikowski.

**Adjournment**

Supervisor Shaw adjourned the meeting at 8:54 p.m.